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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,236	02/25/2002	Takeshi Wada	033211-021	3854
7590	07/13/2005			EXAMINER
E. Marcie Emas BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404			MAGEE, CHRISTOPHER R	
			ART UNIT	PAPER NUMBER
			2653	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/081,236	WADA ET AL.
	Examiner	Art Unit
	Christopher R. Magee	2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 13 January 2005.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.  
 4a) Of the above claim(s) 12-30 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-11 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 25 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 7/2/2002.

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I, claims 1-11, in the reply filed on 01/13/2005, is acknowledged.
2. Claims 12-30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 01/13/2005.

### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless -*

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

4. Claims 1-5 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Yanagisawa (US 6,487,045 B1).

- Regarding claim 1, Yanagisawa discloses a head slider [1] with a precise positioning actuator [14], comprising:

a thin plane shaped head section [not numbered] provided with a first surface that is substantially perpendicular to an air bearing surface of said head slider, a second surface opposite to said first surface and at least one head element [12] formed on said first surface; and

an actuator section [14] located at a side of said second surface of said head section and integrally fixed to said head section, for precisely positioning said at least one head element [col. 8, lines 62-64; Fig. 1].

- Regarding claim 2, Yanagisawa shows the air bearing surface formed in said actuator section [14] [col. 12, lines 50-56; Fig. 5 is bottom view of head slider; 13 is the float plane].
- Regarding claim 3, Yanagisawa shows the actuator section [14] is fixed to said second surface of head section [Fig. 1].
- Regarding claim 4, Yanagisawa shows the actuator section comprises a base member [50] and an actuator layer [14] laminated on said base member, and wherein a surface of said actuator layer, which is opposite to said base member is fixed to said second surface of head section [Fig. 5].
- Regarding claim 5, Yanagisawa shows the air bearing surface formed in said base member [Fig. 5 is bottom view of head slider; 13 is the float plane].
- Regarding claim 11, Yanagisawa teaches the head element [12] is at least one thin film magnetic head element (i.e., recording/reproducing element) [col. 15, lines 42-43].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

5. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yanagisawa (US 6,487,045 B1) as applied to claim 1 above, and further in view of Novotny (US 6,289,564 B1).

- Regarding claims 6 and 7, Yanagisawa shows all the features, *supra*, except the actuator section fixed to both side surfaces of the head section.

Novotny teaches microactuator sections (i.e., movable arms [68] in response to a drive signal) [42a, 42b] fixed to a head section [40] [col. 3, lines 49-52; col. 4, lines 5-11; Fig. 2].

Regarding claim 8, Novotny shows the air bearing surface formed in the static part [Fig. 3].

Regarding claim 9, Novotny teaches the actuator section [42a, 42b] further comprises a base [24] to be fixed to a support means of the head slider, and wherein the pair of movable arms [68] extends from said base along said air bearing surface [col. 4, lines 22-38].

Regarding claim 10, Novotny shows each of the pair of movable arms comprises an arm member [60] , and a piezoelectric element [68] formed on or fixed to a surface of said arm member [Fig. 5, which displays one side of actuator section 42a]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the head slider of Yanagisawa with actuator sections affixed to both side surfaces of the head section as taught by Novotny.

The rationale is as follows: One of ordinary skill in the art at the time of the invention would have been motivated to provide the head slider of Yanagisawa with actuator sections affixed to both side surfaces of the head section as taught by Novotny in order to alter the position of the head section with respect to the main portion of the slider body [Novotny; col. 2, lines 3-7].

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is annotated on PTO-892.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (571) 272-7592. The examiner can normally be reached on M-F, 8: 00 am-5: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher R. Magee  
Patent Examiner  
Art Unit 2653

July 11, 2005  
crm



TAN DINH  
PRIMARY EXAMINER  
7/11/05